

MINUTES

ALCOHOL AND TOBACCO COMMISSION

DECEMBER 16, 2008

CALL TO ORDER/NOTING OF QUORUM

Chairman Huskey called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Also in attendance was Superintendent Poindexter.

Jeff McKean, Bart Herriman, Mark Webb, Matt Price, John Barnett, Carol Teitz, Paul Mannweiler, Marc Carmichael, Brad Klopfenstein, and Trevor Vance were present as observers.

DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the December 2, 2008 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the December 16, 2008 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Three hundred fifty-seven (357) renewals approved, sixty-four (64) new and/or transfer permits approved, four (4) permits approved for catering, two (2) permits approved for first year escrow, and one (1) permit approved for fourth year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL53-25435 LISA L. ALDERSON, D/B/A 7-ELEVEN STORE #208 – Chairman Huskey noted this is a new type 115 application with the local board voting two (2) to two (2).

Commissioner Guthrie stated there was evidence on both sides regarding the issuance of this permit. However, the remonstrators cited the unique circumstances in this community as to why there is no need for the services.

Commissioner Guthrie moved to disapprove the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

RR46-25482 DUNELAND HOSPITALITY, INC., D/B/A DUNELAND BEACH INN - Chairman Huskey noted this is a new type 209 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR84-25538 LATA, LLC – Chairman Huskey noted this is a new type 221 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie stated the Excise officer who sits on the board reported that this applicant does not meet the qualifications of an airport, according to statute.

Commissioner Guthrie moved to overturn the local board and deny the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL79-25457 TRI STAR MARKETING, INC., D/B/A SUPER PANTRY #18 – Chairman Huskey noted this is a new type 115 application with the local board voting three (3) to one (1) to disapprove.

Commissioner Guthrie stated there were petitions submitted by both sides. Both sides had questionable signatures on their petitions regarding distance from establishment, duplicate signatures, etc.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL23-23580 PAMIDA STORES OPERATING CO., LLC – Chairman Huskey noted this is a new type 115 application with the local board voting two (2) to one (1) to disapprove.

Commissioner Guthrie stated the recorder did not operate properly during the meeting, so there is no tape recording.

Commissioner Guthrie moved to table this application until the next meeting to possibly get both sides to agree to the record. Motion seconded by Commissioner Sturtz and it was unanimously approved.

INACTIVE FILES

PERMITS MADE INACTIVE – Vice Chairman Johnson moved to make seven (7) permits inactive. Five (5) permits are not subject to auction and two (2) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

OLD BUSINESS

No Old Business

NEW BUSINESS

PERMITS SET FOR REVOCATION – Commissioner Guthrie moved to declare the following permits inactive due to the fact that they did not appear for their revocation hearing:

RR48-10923, RR20-20308, RC02-02228, DL85-91431, RR20-22115,
RR48-21515, RT05-22217, RR48-22239

Motion seconded by Commissioner Sturtz and it was unanimously approved.

COMMISSION POSITION CHANGES – Chairman Huskey stated he has been appointed as Interim Chairman, until such time as the Governor appoints someone permanently in that position. He also stated that during his time as Interim Chairman, he and the Commission will do what is necessary according to the needs of the State of Indiana.

Chairman Huskey stated that his recommendation for Interim Superintendent is Major Robin Poindexter and the Interim Executive Administrative Officer is Captain Tom Miles.

Commissioner Guthrie moved to approve the recommendation of the Chairman. Motion seconded by Commissioner Sturtz and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations

ANNOUNCEMENTS

No Announcements

ADJOURNMENT

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this _____ day of _____, 2009.

ALEX HUSKEY, CHAIRMAN

DAVID JOHNSON, VICE CHAIR

DALE STURTZ, COMMISSIONER

FRANK GUTHRIE, COMMISSIONER